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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

DESERT SALON SERVICES, INC.,

2:12-CV-1886 JCM (CWH)

Plaintiff(s),

v.

KPSS, INC.,

Defendant(s).

**ORDER**

Presently before the court is plaintiff Desert Salon Services's motion seeking leave to amend its complaint. (Doc. #14). Defendant KPSS, Inc. (Koa USA, Inc.) has not responded.

Pursuant to Local Rule 7-2(d), an opposing party's failure to file a timely response to any motion constitutes the party's consent to the granting of the motion. LR 7-2. The instant motion seeks to amend the complaint. In light of defendant's failure to respond, the court finds granting the motion appropriate. However, in good faith, the court also turns to the merits of the motion.

Federal Rule of Civil Procedure 15(a) provides that leave to amend "shall be freely given when justice so requires." The Supreme Court has interpreted Rule 15(a) and confirmed the liberal standard district courts must apply when granting such leave. In *Foman v. Davis*, 371 U.S. 178 (1962), the Court explained: "In the absence of any apparent or declared reason – such as undue delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the opposing party by virtue of allowance of the

1 amendment, futility of the amendment, etc. – the leave sought should, as the rules require, be ‘freely  
2 given.’” *Id.* at 182. In addition to the Rule 15(a) requirements, the local rules of federal practice in  
3 the District of Nevada require that a plaintiff submit a proposed, amended complaint along with a  
4 motion to amend. LR 15-1(a).

5 The court notes that plaintiff has complied with Local Rule 15-1 and attached the proposed  
6 amended pleading. Further, the court finds none of the illustrative examples given by the Supreme  
7 Court in *Foman* as grounds to deny leave here.

8 Accordingly,

9 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that plaintiff’s motion to file  
10 an amended complaint (doc. # 14) be, and the same hereby is, GRANTED.

11 IT IS FURTHER ORDERED that plaintiff file the proposed amended complaint with the  
12 court within seven (7) days of entry of this order.

13 DATED March 26, 2013.

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16 UNITED STATES DISTRICT JUDGE  
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